

## Nurse's Latex Allergy: When Does Statute Of Limitations Run?

A nurse had to go to the hospital's emergency room after handling a latex tourniquet on August 14, 1995. She experienced a feeling of fullness in her throat and urticaria. She was treated with epinephrine and steroids.

On September 20, 1995 her allergy specialist diagnosed her with a latex allergy. She sued the manufacturer of the latex tourniquet on September 8, 1997 seeking damages for her latex allergy.

The US District Court for the Western District of Pennsylvania ruled the two-year statute of limitations in Pennsylvania had already expired and dismissed her case.

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***A definitive medical diagnosis of the injury is not necessarily the point in time when the statute of limitations starts running on a personal injury case.***

UNITED STATES DISTRICT COURT  
PENNSYLVANIA  
August 31, 2005

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She had had similar problems with latex gloves in 1993 and 1994. On August 14, 1995 the E.R. physician expressly told her she was most likely having a latex-allergy flare-up, as the same symptoms she had had in the past with latex gloves started up again that day right after another nurse handed her a latex tourniquet.

The nurse signed papers, with the advice of an attorney, in 1996 for a worker's compensation case claiming the August 14, 1995 incident was a work-related latex dermatitis/allergy.

The court ruled the statute of limitations starts to run when a nurse first experiences an event that gives cause to realize that the nurse has contracted a latex allergy. **Smith v. Burrows Corp., 2005 WL 2106594 (W.D. Pa., August 31, 2005).**